

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

Presentment Date: October __, 2020
Presentment Time: 11:00 a.m.

In re:

ALEXANDER BERNARD KASPAR

Debtor(s).

Chapter 11

Case No. 18-36862

**AFFIDAVIT OF HARRY SUDWISCHER IN SUPPORT OF DEBTOR'S APPLICATION
FOR ENTRY OF AN ORDER AUTHORIZING THE RETENTION AND
EMPLOYMENT OF ENVIRONMENTAL CONSULTING AND MANAGEMENT
SERVICES AS AN ENVIRONMENTAL CONSULTANT FOR
THE DEBTOR AND DEBTOR IN POSSESSION**

STATE OF CONNECTICUT)

COUNTY OF LITCHFIELD)

) SS.: *New Milford*

HARRY SUDWISCHER, being duly sworn, deposes and says:

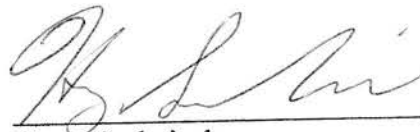
1. I am a Senior Project Manager with Environmental Consulting and Management Services. Our company offers comprehensive environmental services, consulting and testing, and maintains offices at 10 Filmont Drive, New City, NY 10956.
2. I submit this Affidavit in support of the Application of Alexander Kaspar (the "Debtor") for Entry of an Order Authorizing the Retention and Employment of Environmental Consulting and Management Services (hereinafter "ECMS") in the above captioned Chapter 11 case as an environmental consultant for the Debtor and Debtor in Possession on the terms set for in the accompanying application.
3. ECMS is a full-service environmental consultation firm with extensive experience with remediation of Property, implementing plans necessary for said remediation and coordinating said remediation to ensure that the final result of the remediation meets state guidelines.

4. ECMS combines over fourteen years of experience in the field, which allows our company to effectively identify, assess, and resolve all environmental issues germane to the Property and coordinate successful remediation plans in a cost-effective manner.
5. I have been employed with ECMS since 2018 as a Senior Project Manager, Director of Remediation and Spills. In my position, I conduct environmental investigations and remediation at various locations throughout area, as well as due diligence investigations and environmental baseline assessments. Attached hereto as **Exhibit A** is a copy of my **Curriculum Vitae**.
6. In preparing this Affidavit of Disinterest, I conducted a search of ECMS's client base to determine whether ECMS had any relationships with the Debtor or the other entities associated with the Parcels of Property as disclosed in the bankruptcy petition and Debtor's Affidavit.
7. I also conducted a search to determine whether ECMS is presently engaged by or on behalf of any creditors or insiders of the Debtor. No matches were found and thus the search has not identified any additional parties involved or any which might pose a potential basis for a conflict.
8. ECMS is experienced and qualified to represent the Estate as a consultant in connection with the remediation of the Parcels of Property which are identified as the land assets of the debtor's estate.
9. The services to be rendered include all those services set forth in the application for an Order authorizing ECMS's employment.
10. Neither I, ECMS, nor any associate, agent or employee for ECMS, insofar as I have been able to ascertain, holds or represents any interest adverse to that of the estate in the matters upon which ECMS is to be engaged, and I believe that ECMS to be a

“disinterested person” within the meaning of section 101(14) of title 11, United States Code (Bankruptcy Code).

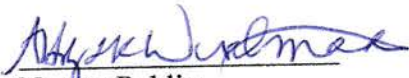
11. I have advised the Debtor of ECMS’s willingness to serve as a consultant and to accept compensation in the form set forth on the addendum to our original retention agreement (Attached to this Application as **Exhibit B**). ECMS shall be compensated upon submission and approval of its billing to the Court. ECMS understands that most of such compensation will most likely come from the proceeds of the sale of the parcel(s).
12. To the best of my knowledge, information, and belief, ECMS has not entered into any agreement prohibited by section 155 of title 18 of the United States Code or Federal Rule of Bankruptcy Procedure 2016(b).
13. In support of the application for *nunc pro tunc* employment, I can represent that I have already conducted an inspection at the Property and identified the areas of remediation, and had multiple calls with representatives of the NYSDEC related to the Debtor’s proposed remediation plan.
14. I have read the application of the Debtor for an order approving the retention of ECMS as a consultant accompanying this affidavit and, to the best of my knowledge, information and belief, the contents of said application are true and correct.

Dated: September 28, 2020
New Mildford, CT



Harry Sudwischer
Senior Project Manager
Environmental Consulting and Management
Services, Inc.

Sworn to before me this
28th day of September, 2020



Notary Public

ABBY L. R. WURTMANN
NOTARY PUBLIC
My Commission Expires 02/28/2022



EXHIBIT A



**Environmental Consulting
and Management Services**

10 Filmont Drive
New City, NY 10956

Tel: 845-638-0640
Cell: 914-523-1523
info@ecmsny.com

Harry Sudwischer, Curriculum Vitae

Senior Project Manager, Director of Remediation and Spills

Qualified: B.S., Earth Science, State University of New York, in New Paltz, New York (concentrations in Geology, Science and Adolescent Education), 2008

Professional Registrations: Qualified Environmental Professional: NY; Working Towards Professional Geologist Certification: NY; Asbestos Project Monitor (Expired) 6 New York State

Professional Summary: Mr. Sudwischer has over 14 years of experience primarily in environmental investigation and remediation at sites throughout the Mid-Atlantic Region, specializing in New York and Connecticut. His additional experience includes due diligence investigations and environmental baseline assessments, managing the environmental liability of responsible parties for more than 200 active remediation sites and, water supply projects. He has a history of working as a team with all parties including builders, architects, regulators, municipalities, owners, responsible parties, and other professionals involved to ensure each project is completed to attain the site goals. Wherever possible, Mr. Sudwischer has employed conceptual site models and innovative solutions/technologies to streamline the path to site regulatory closure and permit approval.

Senior Project Manager

NYC Hotel Demolition/Redistricting | Confidential Client | New York City, NY

Assisted in the preparation of an Environmental Impact

Statement (EIS) on behalf of a confidential client who represented a group opposed to redistricting a historic hotel in Manhattan, reviewed documents that evaluated the CEQR process, NYC proposed change of use for area, evaluated suitability for construction, and identified hazardous materials aspects of an EA under CEQR. Identified potential economic, and hazardous materials issues that were not identified in the documents reviewed.

Project Manager

Chlorinated Solvents Remediation | Confidential Client | Voluntary Cleanup | Brooklyn, NY

Manager for a Voluntary Cleanup Program (VCP) site in New York. The project involved the investigation of soil, water, groundwater, soil vapor, and indoor air to complete a Remedial Investigation. Conducted installation of Air sparge and Soil Vapor Extraction treatment system to treat and depressurize the sub slab. Directed the Monitoring, Operations, and maintenance for system as part of the NYSDEC VCP program.

Project Monitor

Asbestos Abatement Oversight | Confidential New York State Public School

Managed abatement of asbestos-containing materials from an entire New York State Public School District. Public interface for the District. I dealt with district employees, parents, and general public to establish understanding of the safety procedures involved in asbestos abatement. I conducted other various site inspections at commercial, and municipal properties in New York State.

Field Geologist

Sanitary Sewer Investigations | City of Yonkers

Investigated contamination between sanitary and storm sewers throughout the City of Yonkers. My responsibilities included interface for the NYS Office of Attorneys General. During the project I canvassed neighborhoods to coordinate dye tests and video investigations of private sewer connections. I conducted over 500 tests at individual residences, commercial business, apartment complexes, and outfalls into the Bronx River.



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Harry Sudwischer, Curriculum Vitae

Health, and Rockland County Department of Health &

Environmental Project Manager, Field Geologist NYSDOH.

**Petroleum Remediation | Getty Realty Portfolio |
NYSDEC Stipulation Agreement(s) / Order on
Consent(s) | New York / Connecticut Metro Area**

Project Manager/Field oversight for remediation at more than 100 sites. Oversaw/Directed groundwater, soil, air sampling at petroleum storage facilities to document conditions and comply with regulations. Implemented site assessments, remedial activities, and emergency response activities at commercial and industrial properties across New York/ Connecticut, impacted by petroleum hydrocarbons, and chlorinated solvents. During State/County regulator site inspections & conferences communicate work plans and progress updates to ensure regulatory expectations are met. Collect, evaluate, summarize and interpret laboratory data to: prepare geologic cross-sections, generate well/boring logs and write tank closure reports, spill closure, No Further Action letters, monthly, quarterly, semi-annual, annual monitoring reports, subsurface investigation reports, Misc. technical reports, generating AutoCAD drawings for site assessments, remedial investigations, providing conclusions and recommendations for regulatory approval. Supervised and directed technicians, drill crews, excavation crews, subcontractors, and other professionals to obtain project goals. Conduct third-party oversight to ensure/confirm the client expectations are being met by other responsible parties. Managed remedial system design, managed remedial permitting associated with installation and system operation. Managed operation and maintenance program for multiple remedial systems; responsible for data evaluation, system optimization, and regulatory compliance. Managed and directed site investigation activities including installation of groundwater monitoring and soil vapor monitoring points within client owned properties, third party owner properties, and public right of ways. Managed underground storage tank removals, excavation of impacted soils, and waste management activities. Directed the Collection of samples at residential and commercial potable water treatment systems. Served as point of contact for with multiple regulatory agencies including NYSDEC, Westchester County Department of

Staff Scientist, Sanitarian

**Compliance Inspections | NYSDEC,
Region 3 | Petroleum Bulk Storage Inspections |
Lower Hudson Valley, NY**

Conducted Regulatory Compliance inspections as a subcontractor to NYSDEC for Petroleum Bulk Storage (PBS) tanks in Sullivan, Dutchess, Orange and Putnam Counties on behalf of the NYSDEC. Performed inspections, Issued Notices of Violation on behalf of the NYSDEC, Participated in notice of violation conferences for inspected facilities.

Senior Project Manager

Miscellaneous Vapor Intrusion

**Investigations | Several Confidential Clients |
New York State and New York City**

Conducted various vapor intrusion studies at more than a dozen properties in the five boroughs and in greater NYS. All investigations have been conducted in accordance with the NYSDOH/NYSDEC guidance in an attempt to identify evaluate and mitigate/remediate properties for specific circumstances.

Site Industrial Hygienist

**NLG Plant | Keyspan Energy Group
New York City**

Conducted oversight of air testing protocol, compiled daily data readings during remedial construction activities, responsible for environmental site safety.

Work History

2018-Present	Senior Project Manager, Director of Remediation and Spills, ECMS, Inc. New City, NY
2017 ó 2018	Senior Project Manager, Project Professional, Antea Group USA, Inc.
2010 ó 2017	Project Manager, Field Geologist, Env Scientist Tyree Environmental, Corp and T-Env, Inc. Brookfield, CT
2009 ó 2010	Staff Scientist, YEC Inc. Valley Cottage, NY
2008 ó 2009	High School, Science Teacher, Clarkstown Central School District, Clarkstown, NY



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Harry Sudwischer, Curriculum Vitae

2006 ó 2008

Project Monitor, Industrial Hygienist,
Project Manager Environmental
Consulting & Management Services, Inc.
(ECMS, Inc.) New City, NY